

Sean M. Murphy
Robert C. Hora
MILBANK, TWEED, HADLEY & McCLOY LLP
28 Liberty Street
New York, NY 10005
(212) 530-5000
smurphy@milbank.com
rhora@milbank.com

*Attorneys for Defendants Prospect Capital Management L.P.
and Prospect Administration LLC*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SUSAN PASKOWITZ,

Plaintiff,

v.

PROSPECT CAPITAL MANAGEMENT L.P.,
and PROSPECT ADMINISTRATION LLC,

Defendants.

Civil Action No.: 1:16-cv-02990

NOTICE OF MOTION TO DISMISS

ORAL ARGUMENT REQUESTED

FILED ELECTRONICALLY

Please take notice that, upon the accompanying declaration of Robert C. Hora, Esq., dated June 30, 2016, and the exhibits annexed thereto, and the accompanying memorandum of law, dated June 30, 2016, Defendants Prospect Capital Management L.P. and Prospect Administration LLC will move this Court, before the Honorable Louis L. Stanton, at the United States District Court for the Southern District of New York, Courtroom 21C, 500 Pearl Street, New York, New York 10007-1312, on a date to be set by the Court, for an Order pursuant to Fed. R. Civ. P. 12(b)(6) dismissing Plaintiff's Complaint with prejudice in its entirety, and for such other and further relief as the Court deems just and proper.

Any opposing affidavits, answering memoranda of law, or other response shall be filed and served no later than July 14, 2016, as provided by Local Civ. R. 6.1(b).

Dated: June 30, 2016
New York, New York

Respectfully submitted,

MILBANK, TWEED, HADLEY
& McCLOY LLP

By: /s/ Sean M. Murphy
Sean M. Murphy
Robert C. Hora
28 Liberty Street
New York, NY 10005
(212) 530-5000
smurphy@milbank.com
rhora@milbank.com

*Attorneys for Defendants Prospect
Capital Management L.P. and Prospect
Administration LLC*

CERTIFICATE OF SERVICE

I certify that on June 30, 2016, a copy of the foregoing Notice of Motion to Dismiss was filed electronically. Notice of this filing will be sent by email to all parties by operation of the court's electronic filing system. Parties may access this filing through the Court's CM/ECF system.

/s/ Sean M. Murphy
Sean M. Murphy
MILBANK, TWEED, HADLEY & MCCLOY LLP
28 Liberty Street
New York, NY 10005
(212) 530-5000
smurphy@milbank.com